

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Max- Charles Wallace
Plaintiff

DOCKET NUMBER:

SECTION:

VS.

JUDGE

State Wide Transport, Inc.
Defendants

MAGISTRATE:
UNDER TITLE: Diversity Jurisdiction 28
U.S.C., 1332

COMPLAINT FOR DAMAGES

JURISDICTION AND VENUE

Plaintiff, Max Charles Wallace, is a person of full age and majority domiciled in **Harris County, State of Texas**. Plaintiff alleges acts of negligence against defendant pursuant to 28 U.S.C., 1332, diversity of citizenship of the parties. Furthermore, the amount in controversy as to each party in this matter exceeds the jurisdictional limits of this Honorable Court of \$75,000.00. Consequently, jurisdiction of this Honorable Court is proper. By virtue of the existence of diverse parties, this Honorable Court has subject matter jurisdiction over this claim as follows:

- A. First named Defendant is State Wide Transport, Inc. who upon information and belief is a foreign corporation, that may be served at 625 W. 38th Street Houston, Texas 77018 through its officer Tom Ortner; and who is doing business in Harris County Texas and who at all times mentioned herein is the owner of a 2013 Ford E Series VIN 1FTNS2EL4DDB07470 which was involved in a collision on July 4, 2014 and the employer of Heather Thibodeaux who at all times mentioned herein was in the course and scope of employment;

COUNT 1 - CAUSE OF ACTION

1. All of the aforementioned defendant are jointly, severally and in solido liable unto plaintiff for a reasonable sum in the premises, together with legal interest thereon from date of judicial demand until paid, and for all costs of these proceedings for the following reasons to wit:
2. On or about July 4, 2014, at approximately 9:39am, Plaintiff, Max Charles Wallace was headed westbound on Kaliste Saloom Road and its intersection with Camelia Blvd in Lafayette, Louisiana.
3. At around the same time and place Heather Thibodeaux was headed eastbound at a high rate of speed, in a wreck less and imprudent manner when she suddenly unexpectedly and without warning made a left hand turn and struck the left drivers side of the Plaintiff, Max Charles Wallace causing injury to person and property.
4. The aforementioned Defendant is State Wide Transport, Inc. is liable for its own negligence under Louisiana and Texas law and things in their custody and control, and are vicariously liable for the negligence of their employees and liable under the legal theory of respondeat superior and its employee of Heather Thibodeaux.

COUNT 2 - NEGLIGENCE

10. Defendant is State Wide Transport, Inc. is liable unto plaintiff for their own negligence and the negligence of employees employee of Heather Thibodeaux and its insured's which includes but is not limited to the following:

- a. Failure to keep a proper lookout;
- b. Failure to make a timely application of her brakes so as to avoid striking
- c. plaintiff;
- d. Negligent entrustment;

- e. Improper Supervision and training;
- f. Failure to educate employees on driver safety;
- g. Failure to properly screen employees for health impediments which could inhibit and hamper the ability to safely operate a motor vehicle;
- h. Failure to exercise reasonable vigilance;
- i. Failure to maintain reasonable and proper control of his vehicle;
- j. Failure to see what he should have seen;
- k. Failure to observe the posted speed limit; and
- l. Any and all other acts of negligence which might be shown at the time of this trial.

COUNT 3 – DAMAGES

11. As a result of the aforementioned incident, Plaintiff, Max Charles Wallace, suffered severe injuries which injuries include, but are not limited to, upper thoracic extension restriction with pain, Cervical strain/sprain, Thoracic strain/sprain persisting headaches, including but not limited to multiple aggravations of vertebrae disc herniation, bulges and desiccations requiring ESI injections which may be required in the future medical treatment to alleviate the pain associated with the injuries complained of herein. In addition, damages include Past, present, and future mental anguish and physical pain and suffering and loss of function; Past, present, and future medical expenses and lost wages at this time; Past, Present and future lost wages; and Loss of enjoyment of life; and damage to property.

COUNT 4 - RELIEF SOUGHT

12. Plaintiff, Max Charles Wallace, is entitled to an amount in damages reasonably calculated to compensate him for injuries he sustained which included but not limited to:

- a. Past, present, and future mental pain, suffering and anguish;
- b. Past, present, and future physical pain and suffering and loss of function;
- c. Past, present, and future medical expenses;
- d. Past, Present and future lost wages;
- e. Loss of enjoyment of life;
- f. loss of property. and
- g. Any and all other damages cognizable by the Constitution of the State of Texas and Louisiana and the United States Constitution.

PRAYER FOR RELIEF

Plaintiff avers amicable demand to no avail.

WHEREFORE, Plaintiff, Max Charles Wallace prays that this Complaint be filed and that Defendant, State Wide Transport, Inc. be duly cited and served with a copy of same to appear and answer same and after all legal delays and due proceedings are had that there be judgment herein in favor of plaintiff, Max Charles Wallace, and against Defendant, State Wide Transport, Inc. jointly severally and in solido in an amount reasonably calculated to compensate Plaintiff for his damages, together with legal interest thereon, from date of judicial demand until paid and for all costs of the proceedings and all general and equitable relief this Honorable Court deem necessary.

Respectfully submitted,

**DENNIS SPURLING PLLC
ATTORNEY AT LAW & FRIENDS**

/s/Dennis D. Spurling

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